

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-25 are currently pending. No claims have been amended, but Claim 25 has been added by the present amendment. Claim 25 is supported by the originally filed specification and does not add new matter.

In the outstanding Office Action, Claims 1-4, 10-12, and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,414,494 to Aikens et al. (hereinafter “the ‘494 patent”) in view of U.S. Patent No. 6,018,619 to Allard et al. (hereinafter “the ‘619 patent”); and Claims 5-8, 13-16, and 21-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘494 and ‘619 patents, further in view of U.S. Patent No. 6,745,224 to D’Souza et al. (hereinafter “the ‘224 patent”).

Claim 1 is directed to an object-oriented method of collecting information regarding a plurality of target applications in an appliance or device, comprising: (1) receiving, from a first one of the plurality of target applications through an interface, by a monitoring device in the appliance or device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format; and (2) receiving, from a second one of the plurality of target applications through the interface, by the monitoring device, a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination through a second communication protocol using a second data format, wherein the first communication protocol is different from the second communication protocol.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103, the Office Action asserts that the ‘494 patent discloses everything in Claim 1 with the exception of a request to send

first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format, and the second receiving step, and relies on the ‘619 patent to remedy those deficiencies.

The ‘494 patent is directed to a method of automatically notifying remote devices in response to machine conditions detected by a machine monitoring element. As shown in Figs. 7 and 8, the ‘494 patent discloses a system in which a user can select predetermined conditions for reporting information to a remote device, such as paper jams and low toner. Further, the ‘494 patent discloses that such events can be reported “always” or when various thresholds are met. However, Applicants respectfully submit that the ‘494 patent fails to disclose receiving, from a first one of a plurality of target applications through an interface, by a monitoring device in an application or device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format, as recited in Claim 1. Rather, the ‘494 patent merely discloses that a user can set up conditions upon which information is reported from a copy machine to a remote device upon the occurrence of particular events. However, Applicants note that Claim 1 is directed to a plurality of target applications in an appliance or device. Further, Claim 1 requires that one of the target applications send a request to a monitoring device in the application or device, wherein the request is a request to send information regarding monitored usage of the target application to a first destination. Thus, in Claim 1, it is the target application itself that initiates the request to send information regarding monitored usage of that target application. In contrast, the ‘494 patent requires a user to select certain triggering conditions via a graphical user interface. However, the ‘494 patent does not disclose that a particular application or component within the ‘494 copier sends a request to send information

regarding monitored usage of that component or application to a monitoring device in the '494 copier. Rather, the '494 patent discloses that information is automatically sent upon the occurrence of certain events, and that no requests to send monitored information are initiated by a target application within the copier, as required by Claim 1.

The '619 patent is directed to a method for tracking usage patterns for users of the Worldwide Web by creating a usage log on a user's client computer, and periodically transmitting the usage log from the client machine or proxy server to a usage tracking server so that the usage log can be incorporated in an overall log for a given information server computer. Further, the '619 patent discloses that periodically, upon the occurrence of one or more predefined events that signify the end of a session, the proxy server saves the usage log into a single compressed file and transmits the resulting file to the server.¹ Further, the '619 patent discloses that events that signify the end of a session and trigger the transmission of a usage log from the user's client computer or proxy server computer to the usage tracking server computer may include a predetermined time interval, accessing a predetermined number of objects, application program or operating system shutdown, connecting to a different website, and/or modem shutdown.² However, Applicants respectfully submit that the '619 patent fails to disclose receiving, from a first one of the plurality of target applications through an interface, by a monitoring device in the application or device, a request to send first information regarding monitored usage of a first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format, as recited in Claim 1. First, Applicants note that the '619 patent is not directed to a plurality of target applications and a monitoring device that are in an appliance or device, as required by Claim 1. Moreover, the '619 patent does not disclose that

¹ '619 patent, Abstract.

² Id.

a target application sends a request to a monitoring device for the monitoring device to send first information regarding monitored usage of the target application to a first predetermined destination, as recited in Claim 1. As discussed above with regard to the '494 patent, Claim 1 requires that the request come from the target application itself for the monitoring device to send the monitored usage information of the target application that sent the request. The '619 patent does not teach or suggest a target application that sends a request for information regarding its usage to be sent to another device. Rather, the '619 patent is directed to an external proxy server that tracks web usage and sends information upon the occurrence of certain events to another server.

Accordingly, no matter how the teachings of the '494 and '619 patents are combined, the combination does not teach or suggest either of the receiving steps recited in Claim 1. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claim 1 (and dependent Claims 2-4) should be withdrawn.

Further, Applicants note that, in the outstanding Office Action, the stated motivation for combining the teachings of the '494 and '619 patents is “for the advantages of enabling the information server to communicate to the client or proxy server which of a number of different statistics the tracking agent should record and a level of customization that is in control of the service provider that can be tailored to particular needs and implementations (as taught by Allard '619 at col. 7, lines 35-50).”³ Initially, Applicants note that Claim 1 does not recite a server or a proxy server. Further, Applicants note that the passage cited by the Office Action refers to customizing information to be tracked by the proxy server. However, Applicants note that nothing in Claim 1 is directed to the selection of information to be tracked. Thus, Applicants respectfully submit that the Office Action is simply stating

³ See page 6 of the outstanding Office Action.

perceived advantages of Applicants' invention as motivation to combine the cited references, without identifying that, without Applicants' specification, one of ordinary skill in the art would even have thought to address the problem. Such hindsight reconstruction of Applicants' invention can not be used to establish a *prima facie* case of obviousness. Accordingly, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated by the '619 patent's teaching that information to be tracked can be customized to combine the '494 patent's copier monitoring system with the '619 patent's web usage tracking in the manner suggested in the Office Action. Accordingly, for this additional reason, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claim 1 (and dependent Claims 2-4) should be withdrawn.

Independent Claims 9 and 17 recite limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that a *prima facie* of obviousness has not been established and that the rejections of Claim 9 (and dependent Claims 10-12) and Claim 17 (and dependent Claims 18-20) should be withdrawn.

Regarding the rejection of dependent Claims 5-8, 13-16, and 21-24 under 35 U.S.C. § 103, Applicants respectfully submit that the '224 patent fails to remedy the deficiencies of the '494 and '619 patents, as discussed above. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claims 5-8, 13-16, and 21-24 should be withdrawn.

The present amendment also sets forth new Claim 25 for examination on the merits. New Claim 25, which depends from Claim 1, clarifies that the first predetermined destination is a component internal to the appliance or device. New Claim 25 is supported by the

originally filed specification and does not add new matter.⁴ Moreover, based on the asserted reliability of Claim 1, Applicants respectfully submit that new Claim 25 patentably defines over any proper combination of the '494, '619, and '224 patents.

Thus, it is respectfully submitted that independent Claims 1, 9, 17 (and all associated dependent claims) patentably define over any proper combination of the '494, '619, and '224 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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⁴ See Fig. 12A and the discussion related thereto in the specification.